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Attorneys for Defendants LK Corporation,

d.b.a. Rota Handicraft and Lee Byung Deuk

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF THE NORTHERN MARIANA ISLANDS

SAIPAN HANDICRAFT,

Plaintiff,

vs.

MICRONESIA WOODCRAFT ENT., INC.,

ET. AL,

Defendants.

Civil Action No. 05-0040

DEFENDANTS LK CORPORATION
CORPORATION, dba ROTA
HANDICRAFT and LEE
BYUNG DEUK's CASE
MANAGEMENT STATEMENT

Date: November 8, 2007

Time: 10:00 a.m.

Judge: Hon. Alex R. Munson

COMES NOW Defendants LK Corporation (LK Corp.) and Lee, Byung Deuk (Lee), by and through undersigned counsel, and hereby sets forth its Case Management Statement pursuant to F.R.C.P. 16 and Local Rule 16.2CJ.

I. CASE MANAGEMENT ISSUES.

A. Service of Process on Parties Not Yet Served.

The Defendants have effectuated service of its counterclaims against Plaintiff and does not foresee the need to bring any further claims or serve any other parties. The Defendants reserve the right to bring further claims or seek amendment of its counterclaim if necessary, with leave of the Court.

1
2 B. Jurisdiction and Venue.

3 The Defendants agree that jurisdiction over the present matter properly rests with this Court
4 and that venue is proper.

5
6 1. United States Patent and Trademark Office / Trademark Trial and Appeals Board.

7 Registration proceedings are pending with the United States Patent and Trademark Office
8 (USTPO) and the Trademark Trial and Appeals Board (TTAB). As the Court is aware, Defendants
9 filed a timely opposition to Plaintiff's application for a trademark registration with the USTPO.
10 On September 12, 2006, however, a trademark registration was issued to Plaintiff. Defendants
11 subsequently filed substantial documentation with the United States Trademark Trial and Appeals
12 Board to assure that the registration was cancelled. On October 19, 2006 the USTPO issued a
13 cancellation order rescinding the September 12, 2006 trademark registration.

14 On March 20, 2007, the USTPO again issued a trademark registration to Plaintiff
15 notwithstanding the pending opposition proceedings with the United States Trademark Trial and
16 Appeals Board. Defendants again filed documentation with the United States Trademark Trial and
17 Appeals Board to assure that the registration was cancelled. Defendants note that co-defendant
18 Micronesian Woodcraft, Enterprises (Micronesian Woodcraft) also filed an opposition with the
19 USTPO and documentation with the TTAB.

20 On September 13, 2007 the USTPO issued a cancellation order rescinding the September
21 12, 2006 trademark registration.

22
23 2. Jurisdiction Remains with the Court.

24 Defendants believe that jurisdiction remains with this Court, notwithstanding the pending
25 proceedings with the USTPO and TTAB. Defendants will provide the Court with the orders issued
26 by the USTPO and TTAB. Defendants respectfully suggest that the parties consider entering into
27 an agreement that such proceedings be suspended pending resolution of the present matter.
28

1 C. Track Assignment.

2 Defendants agree with the Court's suggestion that this matter be assigned to the Standard
3 Track as defined by the Local Rule 16.2CJc.

4
5 D. Anticipated Motions.

6 Defendants anticipate filing motions, including but not limited to, the following:

- 7 1. Motion to Dismiss; and,
8 2. Motion for Summary Judgment on Plaintiff's Complaint and Defendants' Counterclaim.

9
10 E. Anticipated or Remaining Discovery / Limitations on Discovery.

11 Defendants believe that adherence to the discovery recommendations set forth for Standard
12 Track cases will be sufficient in the present matter, provided however that Defendants may request
13 the Court to allow more than three (3) fact witness depositions per party without prior approval of
14 the court.

15
16 F. Further Proceedings.

17 Defendants believe that the discovery cut-off dates, pretrial conference and trial dates
18 should be set in accordance with the Standard Track as defined by the Local Rule 16.2CJc.¹

- 19
20 1. Discovery Cut-Off. Defendants suggest that the discovery cut-off date be set for
21 May 14, 2008.

22
23
24
25 ¹"Standard" - Cases on the Standard Track shall be completed within twelve (12) months or less after filing,
26 and shall have a discovery cut-off no later than sixty (60) days prior to trial. Discovery guidelines for this track
27 include interrogatories limited to thirty (30) single-part questions; thirty (30) requests for admission; depositions of
28 the parties; depositions on written questions of custodians of business records for non-parties; no more than three (3)
fact witness depositions per party without prior approval of the court; and such other discovery, if any, as may be
provided for in the CMP.

1 2. Pretrial Conference. Defendants suggest that the pretrial conference be set for October
2 15, 2008.

3
4 3. Trial Date. Defendants suggest that trial in this matter be set for November 7, 2008,
5 depending on the Court's calendar and that of the respective counsel in this matter.

6
7 G. Appropriateness of Special Procedures.

8 Defendants believe that special procedures are not necessary in this matter, including but
9 not limited to: reference to a master or to arbitration or to the Judicial Panel or Multidistrict
10 Litigation, or application of the Manual for Complex Litigation.

11
12 H. Modifications of the Standard Procedures.

13 Defendants believe that the discovery cut-off dates, pretrial conference and trial dates
14 should be set in accordance with the Standard Track as defined by the Local Rule 16.2CJc and that
15 no modification of the procedures is required in this matter other than the number of fact witness
16 depositions as set forth herein.

17
18 I. Settlement Prospects.

19 Defendants believe that settlement is a possibility and anticipate requesting the Court for a
20 settlement conference after consultation with counsel for the respective parties.

21
22 J. Other Matters.

23 Defendants suggest that the parties consider filing a joint statement limiting the issues for
24 consideration in this matter by June 16, 2008.

1 H. Setting of Dates.

2 1. Joinder of All Parties. Defendants suggest that all parties be joined by January 15, 2008.

3
4 2. Motions to Amend. Defendants suggest that all motions to amend be filed by January
5 31, 2008.

6
7 3. Discovery Cut-Off. Defendants suggest that the discovery cut-off date be May 15, 2008.

8
9 4. Status Conferences. Defendants suggest a status conference in the present matter on
10 January 15, 2008 and that any further status conferences be set upon the agreement of the parties,
11 subject to the Court's approval or upon the Court's *sua sponte* order setting a status conference.

12
13 5. Discovery Motion Hearing Date. Defendants suggest that all discovery motions be
14 heard on July 1, 2008.

15
16 6. Dispositive Motion Cut-Off. Defendants suggest that all dispositive motions be filed by
17 July 15, 2008.

18
19 7. Dispositive Motion Hearing Date. Defendants suggest that all dispositive motions be
20 heard on August 15, 2008.

21
22 8. Settlement Conferences. Defendants suggest that a settlement conference be set for
23 September, 15, 2008.

24
25 9. Joint Pretrial Order. Defendants suggest that a Joint Pretrial Order be filed on October
26 1, 2008.

11. Trial. Defendants suggest that trial in this matter be set for November 7, 2008, depending on the Court's calendar and that of the respective counsel in this matter.

RESPECTFULLY SUBMITTED this 7th day of November 2007.

LAW OFFICES OF EDWARD MANIBUSAN

By:

Edward Manibusan
Attorney for Defendants LK Corporation,
d.b.a. Rota Handicraft and Lee Byung Deuk.